

MAY. 9. 2005 9:11AM

GLAXO WELLCOME

NO. 7033 P. 1  
Rec'd PCT/PTO 09 MAY 2005

**FAX**



GlaxoSmithKline

To Mail Stop PCT, Attn: Patricia A. Booker ✓

Company USPTO

Fax 703-305-3230

From Marjorie J. Pfeiffer

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Date May 2005 Pages including cover 16

Subject Response to Notification of Missing Requirements

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Re: Application of Trevor Charles ROCHE et al.  
Serial No.: 10/510,968; Int'l. Appl. No.: PCT/GB03/01595  
Title: *Dry Powder Inhalant Composition*  
Attorney Docket No. PG4715USw

Attached is:

1. Transmittal Letter (2<sup>nd</sup> page in duplicate)
2. Combined Declaration and Power of Attorney (2 pages)
3. Copy of Preliminary Amendment filed with the application (8 pages)
4. Copy of Notification of Missing Requirements under 35 USC 371, date mailed 03/10/2005

Certificate of Transmission by Facsimile (37 CFR 1.8)

I hereby certify that this Response to Notification of Missing Requirements is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-305-3230) on May 9, 2005.

Marjorie J. Pfeiffer

The information contained in these documents is confidential and may also be privileged and is intended for the exclusive use of the addressee designated above. If you are not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, any disclosure, reproduction, distribution, or any other dissemination or use of this communication is strictly prohibited. If you have received this transmission in error please contact us immediately by telephone so that we can arrange for its return.

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FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE, U.S. DEPARTMENT OF COMMERCE (REV. 2-2005)		ATTORNEY'S DOCKET NUMBER PG4715USw
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/510,968
INTERNATIONAL APPLICATION NO. PCT/GB03/01595	INTERNATIONAL FILING DATE 10 April 2003	PRIORITY DATE CLAIMED 13 April 2002
TITLE OF INVENTION DRY POWDER INHALANT COMPOSITION		
APPLICANT(S) FOR DO/EO/US Trevor Charles ROCHE; Pallav Arvind BULSARA		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"><li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li><li>4. <input type="checkbox"/> The US has been elected (Article 31).</li><li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto.</li><li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li></ol></li><li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li><li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li><li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li><li>11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li><li>12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li></ol>		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none"><li>13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>15. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li><li>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li><li>17. <input type="checkbox"/> A substitute specification.</li><li>18. <input type="checkbox"/> A power of attorney and/or change of address letter.</li><li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li><li>20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li><li>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li><li>22. <input type="checkbox"/> Express Mail Label No.</li><li>23. <input checked="" type="checkbox"/> Other items or information:</li></ol>		
Copy of Notice of Missing Requirements under 35 USC 371, date mailed 03/10/2005; copy of Preliminary Amendment showing a total of 24 claims (claim 13 was canceled).		

Under the Paperwork Reduction Act of 1995, persons are required to respond to a collection of information unless it displays a valid OMB control number.  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
 PTO-1390 (Rev. 02-2005)

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/510,968		PCT/GB03/01595		PG4715USw	
The following fees are submitted:					
24. <input type="checkbox"/> Basic national fee		\$300	CALCULATIONS		PTO USE
25. <input type="checkbox"/> Examination fee			\$	\$0.00	
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).		\$100	\$	\$0.00	
All other situations.		\$200			
26. <input type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$100			
International Search Report prepared and provided to the Office		\$400			
All other situations.		\$500	\$	\$0.00	
TOTAL OF 24, 25 and 26 =			\$	\$0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	0 /50 =	0	x	\$	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).			\$	\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x	\$18.00	\$
Independent claims	- 3 =	0	x	\$88.00	\$
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> +			\$	\$0.00	
TOTAL OF ABOVE CALCULATIONS =			\$	\$130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.			\$	\$0.00	
SUBTOTAL =			\$	\$130.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			\$	\$0.00	
TOTAL NATIONAL FEE =			\$	\$130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.29, 3.31). \$40 per property +			\$	\$0.00	
TOTAL FEES ENCLOSED =			\$	\$130.00	
			Amount to be	\$	
			Amount to be	\$	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>07-1392</u> In the amount of <u>\$130.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>07-1392</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
CUSTOMER NUMBER			SIGNATURE		
23347			James P. Riek		
			NAME		
			39,009		
			REGISTRATION NUMBER		



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/510,968

FIRST NAMED APPLICANT

Trevor Charles Roche

ATTY. DOCKET NO.

PG4715USw

INTERNATIONAL APPLICATION NO.

PCT/GB03/01595

I.A. FILING DATE

04/10/2003

PRIORITY DATE

04/13/2002

23347

DAVID J LEVY, CORPORATE INTELLECTUAL PROPERTY  
GLAXOSMITHKLINE  
FIVE MOORE DR., PO BOX 13398  
RESEARCH TRIANGLE PARK, NC 27709-3398

CONFIRMATION NO. 6143

371 FORMALITIES LETTER

0C000000015394626

Date Mailed: 03/10/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/12/2004
- Copy of the International Search Report filed on 10/12/2004
- Copy of IPE Report filed on 10/12/2004
- Copy of Annexes to the IPER filed on 10/12/2004
- Preliminary Amendments filed on 10/12/2004
- Information Disclosure Statements filed on 10/12/2004
- Copy of references cited in ISR filed on 10/12/2004
- U.S. Basic National Fees filed on 10/12/2004
- Priority Documents filed on 10/12/2004

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$50 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

Docket No: PG4715USW  
Attorney: JPR(ADS)  
Paper: Declaration w/ fees  
Claim Fee  
Due Date: 10 May 2005  
Deadline: 10 Oct 2005  
Recorded: M

MAR 14 2005

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## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

Additionally the following defects have been observed:

- Annexes have not been entered because Not a page for page substitution.

- Total additional claim fee(s) for this application is \$50

- \$50 for 5 total claims over 20.

#0. (24 claims, claim 13 WAS  
canceled. SEE ATTACHED  
PRELIMINARY AMENDMENT FILED  
WITH APPLICATION)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/510,968	PCT/GB03/01595	PG4715USw

FORM PCT/DO/EO/905 (371 Formalities Notice)

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